

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

Case No.: 3:08-CV-00102

**FILED**  
CHARLOTTE, NC

APR 23 2008

U.S. DISTRICT COURT  
WESTERN DISTRICT OF NC

LIGNA ACQUISITION GROUP, LLC,

Plaintiff,

vs.

211 INVESTMENTS, LP; BRTC  
INVESTMENTS, LP; GOLF CLUBS OF  
AMERICA, LP; SFR 751 BRIGGS, LLC;  
BRIGGS RANCH GRAND VACATION  
CLUB, LP; HOLLY HILLS GP, LLC;  
BRIGGS GP, LLC; and DANIEL L. BAILEY,  
in his representative capacity as Trustee of the  
Bailey Family Trust,

Defendants and Counterclaim  
Plaintiffs.

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211 INVESTMENTS, LP; BRTC  
INVESTMENTS, LP; GOLF CLUBS OF  
AMERICA, LP; BRIGGS RANCH GRAND  
VACATION CLUB, LP; HOLLYHILLS GP,  
LLC; BRIGGS GP, LLC; and DANIEL  
BAILEY and MARLENE BAILEY, in their  
representative capacity as Trustees of the  
Bailey Family Trust,

Third Party Plaintiffs,

vs.

MARIO GUESS a/k/a JERRY DEMARIO  
GUESS a/k/a J.D. GUESS a/k/a JERRY D.  
GUESS, LIGNA ACQUISITION GROUP,  
LLC, ESCROW FINANCIAL  
CORPORATION, and THP ESCROW  
SERVICES CORPORATION,

Third Party Defendants.

**SUMMONS TO GARNISHEE  
FIRST CHARTER BANK**

FIRST CHARTER BANK  
c/o Stephen J. Antal, Registered Agent  
10200 David Taylor Drive  
Charlotte, NC 28262-2373


TO THE GARNISHEE NAMED ABOVE:

At the request of 211 Investments, L.P., BRTC Investments, L.P., Golf Clubs of America, L.P., SFR 751 Briggs, LLC, Briggs Ranch Grand Vacation Club, L.P., HollyHills GP, LLC, Briggs GP, LLC and Daniel L. Bailey and Marlene Bailey, in their representative capacities as Trustees of the Bailey Family Trust ("Defendants"), you are summoned as a garnishee of Plaintiff Ligna Acquisition Group, LLC ("Ligna") and Third Party Defendant Mario Guess a/k/a Jerry Demario Guess a/k/a J.D. Guess a/k/a Jerry D. Guess ("Guess") required, within twenty (20) days after you have been served with this Summons, to file a verified answer in the office of the Clerk of the United States District Court for the Western District of North Carolina, Charlotte Division showing whether:

1. At the time the Summons was served upon you, or at any time since then until the date of your answer, you were indebted to Ligna or Guess, or had any property of Ligna or Guess in your possession and, if so, the amount and nature thereof; and,
2. Whether, according to your knowledge, information or belief, any other person is indebted to Ligna or Guess, or has possession of any property of Ligna or Guess, and if so, the name of each person.

If you fail to file an answer, a conditional judgment will be rendered against you for the full amount Defendants have requested, plus an amount sufficient to cover Defendants' costs.

This the 23<sup>rd</sup> day of April, 2008.

  
JUDGE/CLERK/ASSISTANT CLERK  
United States District Court for the Western District  
of North Carolina, Charlotte Division

DATED: 23 April 08